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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/830,507	06/15/2001	Chai-Jing Chou	44407	8190

22515 7590 06/30/2003

THE DOW CHEMICAL COMPANY
INTELLECTUAL PROPERTY SECTION
2301 N BRAZOSPORT BLVD
FREEPORT, TX 77541-3257

EXAMINER

YOON, TAE H

ART UNIT	PAPER NUMBER
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1714

DATE MAILED: 06/30/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT

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DATE MAILED:

Below is a communication from the EXAMINER in charge of this application
COMMISSIONER OF PATENTS AND TRADEMARKS

ADVISORY ACTION

HE REPLY FILED FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

herefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check only a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ In view of the early submission of the proposed reply (within two months as set forth in MPEP § 707.07(f)), the period for reply expires on the mailing date of this Advisory Action, OR continues to run from the mailing date of the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any unduly extended patent term adjustment. See 37 CFR 1.704(b).

- ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
- ☐ The proposed amendment(s) will be entered upon the timely submission of a Notice of Appeal and Appeal Brief with requisite fees.
- ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search. (see NOTE below);
- (b) ☐ they raise the issue of new matter. (see NOTE below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE:

- ☐ Applicant's reply has overcome the following rejection(s): _____
- ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
- ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attachment
- ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
- ☒ For purposes of Appeal, the status of the claim(s) is as follows (see attached written explanation, if any):
- Claim(s) allowed: _____
- Claim(s) objected to: _____
- Claim(s) rejected: 1-19
- Claim(s) withdrawn from consideration: _____

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ATTACHMENT TO ADVISORY ACTION

Amendment is non-complaint since a clean copy of the claim is missing . Also, an abstract on a separate sheet is needed.

Again, the insertion of continuing data in the beginning of the specification is needed.

The entry of amendment is denied as the reason given above and following. The entry of amendment regarding a deletion of a sentence on page 2 raises new issues that would require re-introduction of the rejection under 35 U.S.C. 112, first paragraph, mailed on February 21, 2003. Amendment to claim 4 is confusing since the recited "a blend of thermoplastic polymers" in the Version with Marking is already present in the claim 4 which is dependent on claim 3 only filed on April 14, 2003. Also, the amendment shows the dependency on claims 1 and 3.

With respect to the rejection under 35 U.S.C. 112, first paragraph, applicant asserts a proper disclosure based on the list of US Patents reciting TEM. However, such statement lacks a probative value since such US Patents were not incorporated by the references in the originally filed specification and thus applicant cannot rely on such US Patents. Also, applicant failed to point out any particular support for the instant claims in such US Patents.

With respect to WO 93/04117 or Christiani et al (US 5,747,560) in view of Suss et al (US 4,558,075), again, whatever stated in International Preliminary Examination Report has little

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bearing in USPTO (in fact, the examiner did not make an anticipation rejection.), and applicant failed to rebut the instant rejection. The examiner has stated that Christiani et al do not teach a polyvalent anionic organic material modification and thus cited Suss et al who provide a motivation to use an organic cation-anion complex which yields a good storage ability (col. 1, lines 51-58) due to a good miscibility of said layered silicates modified with an organic cation-organic anion complex and a polymer. Applicant failed to rebut said rejection. Note that claims 16-19 were not rejected.

With respect to Kawasumi et al (US 4,810,734) or Polansky et al (US 6,287,992) in view of Suss et al (US 4,558,075), the rejection is maintained since applicant failed to rebut said rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tae H. Yoon whose telephone number is (703) 308-2389. The examiner can normally be reached on Monday to Thursday from 8:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan, can be reached on (703) 306-2777. The fax phone number for the organization where this application or proceeding is assigned is (703) 873-9311.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

THY/June 26, 2003


TAE H. YOON
PRIMARY EXAMINER